

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

PERRY DEWAYNE FALCONER,
#2214264,

Plaintiff,

V.

BRYAN COLLIER, et al.,

Defendants.

[illegible]

Case No. 6:21-cv-502-JDK-KNM

ORDER ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Perry Dewayne Falconer, A Texas Department of Criminal Justice inmate proceeding pro se, brings this civil rights lawsuit under 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell pursuant to 28 U.S.C. § 636.

Before the Court is the request included in Plaintiff's complaint to certify this lawsuit as a class action. Docket No. 1 at 18–20. On May 16, 2022, Judge Mitchell issued a Report and Recommendation recommending that the Court deny that request. Docket No. 16. Plaintiff has objected. Docket No. 23.


Where a party timely objects to the Report and Recommendation, the Court reviews the objected-to findings and conclusions of the Magistrate Judge de novo. 28 U.S.C. § 636(b)(1). In conducting a de novo review, the Court examines the entire record and makes an independent assessment under the law. *Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*), *superseded on other*

grounds by statute, 28 U.S.C. § 636(b)(1) (extending the time to file objections from ten to fourteen days).

Plaintiff's objections are not specific objections to the Report. Rather, Plaintiff merely provides conclusory reasons—unrelated to the specific provisions of Federal Rule of Civil Procedure 23(a)—why he should be allowed to form a class action. And the district court need not consider frivolous, conclusory, or general objections. *See Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (en banc); *see also Valez-Pedro v. Thermo King De Puerto Rico, Inc.*, 465 F.3d 31, 32 (1st Cir. 2006) (explaining that an objecting party must put forth more than “[c]onclusory allegations that do not direct the reviewing court to the issues in controversy.”).

Having conducted a de novo review of the record in this case and the Magistrate Judge's Report, the Court has determined that the Report of the Magistrate Judge is correct, and Plaintiff's objections are without merit. Accordingly, the Court hereby **ADOPTS** the Report of the Magistrate Judge (Docket No. 16) as the opinion of the District Court. Plaintiff's request to certify a class action is **DENIED**.

So **ORDERED** and **SIGNED** this **14th** day of **June, 2022**.


 JEREMY D. KERNODLE
 UNITED STATES DISTRICT JUDGE